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To: Honorable Members of the Senate Judiciary Committee
From: Charles Owens, State Director
Date: January 24, 2019
RE: Please Support Senate Bill 2 - Civil Forfeiture Reform

We are writing to ask your support for Senate Bill 2 that would make further reforms to Michigan's current process of civil asset forfeiture.

As you may be aware, the Governor and the legislature have already supported prior reforms that have been passed into law. Specifically, a new reporting requirement to make it easier to track property seized by authorities, raising the burden of proof to a "clear and convincing standard", and repealing the requirement for a property owner to provide a cash bond before they could contest a civil forfeiture seizure of their property.

However, in a recent survey of our small business owner-members on this issue, 74 percent of NFIB members still want to see the law changed so private property is seized only after a criminal conviction is secured.

Nationwide, and in Michigan, many law enforcement agencies have abused broad civil forfeiture rules to self-fund their departments and budgets. In many cases police departments have made it a priority to seize cash during routine traffic stops.

Many small business owners carry large cash sums to the bank and to other business locations for use in making change etc. Other small business owners still use cash to make large supply purchases. These and other scenarios create a situation where small business is exposed to the potential of civil forfeiture seizures by overzealous law enforcement agencies seeking to increase budget funding to their departments. Even in cases where these motivations may not be the circumstances for asset seizure, a requirement that a conviction be obtained before property is seized is more consistent with the protections of personal property guaranteed in our constitution.

Let me conclude by again emphasizing our support for Senate Bill 2 and we thank you for your support of Michigan's small business owners.